

WAYLAND CONSERVATION COMMISSION

Minutes, Thursday, November 7, 2013 7:35 - 11:04PM

Location: Senior Center, Town Building, 41 Cochituate Road, Wayland, MA

Present: Commissioners: Roger Backman, Bob Goldsmith, Sherre Greenbaum, Barbara Howell, Betty Salzberg, John Sullivan, Chairman: Andy Irwin, Conservation Administrator: Brian Monahan
John Sullivan departed the meeting at 10:15PM.

Minutes: Assembled from notes taken at meeting.

A.Irwin opened the meeting at 7:35 PM noting that a quorum was present.

1. 7:30 pm – Citizens Time

Mike Lowery, Lakeshore Drive, provided pictures and discussed debris removal at the Old Stone Bridge at Stonebridge Road.

2. Citizen Inquiries

- a. B.Monahan updated the Commission on a resident with concern about drainage at the end of Maguire Road.
- b. B.Monahan updated the Commission on an issue of drainage on Old Connecticut Path. B.Monahan and B.Howell discussed runoff onto Pod Meadow. A written request will be sent to DPW to address the matter.

3. 7:35 pm – Continued Public Hearing, Roland Gray, III, Esq., Applicant, 7 Lincoln Road, DEP File No. 322-813: Abbreviated Notice of Resource Area Delineation pursuant to the Wetlands Protection Act, G.L. ch. 131 s. 40, and the application filed pursuant to Wayland’s Wetlands and Water Resources Protection Bylaw, Chapter 194 by Roland Gray, III, Esq. The applicant is seeking the verification of the delineation of the wetland resource areas including bordering vegetated wetland and mean annual high water line of Hazel Brook for land at 7 Lincoln Road, Wayland shown on Assessor’s Map 11, Parcel 083. Conservation Commission has had a request to continue this public hearing to November 21, 2013 and a subsequent request to continue to December 5, 2013.

**Motion to continue the hearing to December 5, 2013 under the Wetlands Protection Act;
Seconded 7-0**

**Motion to continue the hearing to December 5, 2013 under the Chapter 194 Bylaw;
Seconded 7-0**

4. 7:45 pm –Continued Public Hearing, Town of Wayland/D. Ouellette, DPW Director, Applicant, 266 Old Connecticut Path, DEP File No. 322-812. in the Wayland Town Building, 41 Cochituate Road, Wayland, Massachusetts the Wayland Conservation Commission will hold a public hearing to consider a Notice of Intent filed pursuant to the Wetlands Protection Act, G.L. ch. 131 s. 40 and the application filed pursuant to Wayland’s Wetlands and Water Resources Protection Bylaw, Chapter 194 by the Town of Wayland DPW, D. Ouellette, Superintendent. The applicant is proposing furnishing and installing a precast concrete building including chemical bulk and day storage tanks, pumps, and instrumentation and controls. Site work shall include installation of approx. 500 linear feet of 8-inch ductile iron water main, well pumps and associated appurtenances. The work is proposed at 266 Old Connecticut Path shown on Wayland’s Assessor’s Map 37, Parcels 32 and 33. Portions of the work are in or within 100 feet of resource areas.

B.Goldsmith recused himself from the discussion. A stamped plan was put on record for the file. It was noted that the DEP had questioned floodplain delineation.

Approved: January 9, 2014

Page 2

Motion to close the hearing under the Wetlands Protection Act; Seconded 6-0-1
Motion to close the hearing under the Chapter 194 Bylaw; Seconded 6-0-1

5. **Other**

Discussion of Conservation Commission meeting schedule was tabled.

6. **Continued Public Hearing, Donald and Kathryn Hart, Applicants, 74 Lakeshore Drive, DEP File No. 322-814:** Notice of Intent filed pursuant to the Wetlands Protection Act, G.L. ch. 131 s. 40 and an application filed pursuant to Wayland's Wetlands and Water Resources Protection Bylaw, Chapter 194, filed by Donald and Kathryn Hart. The project is to construct a replacement septic system on the property at 74 Lakeshore Drive, Wayland, shown on Wayland's Assessors Map 42D, Parcel 58.

Scott Goddard of Goddard Consulting was present for the discussion. Mr. Goddard submitted a revised plan with a revision date of 10/29/13. B.Howell commented on the notation on the plan submitted and asked how we are subtracting from assumed datum in order to get NGVD. Discussion ensued of the project to replace the existing two-bedroom cesspool with a Title V-compliant, two-bedroom system with greater efficiency. It was noted that this repair was not increasing the bedroom size of the dwelling and was only a repair to an existing failed system. The need for a deed restriction for a two-bedroom house was discussed. The Commission noted needing a plan with the proper datum and contours before work may proceed.

Motion to close the hearing under the Wetlands Protection Act; Seconded 6-0-1
Motion to close the hearing under the Chapter 194 Bylaw; Seconded 6-0-1

7. **Public Meeting, Town of Wayland/L. Kiernan, Applicant, MBTA R.O.W., File D-831:** Request for Determination of Applicability filed pursuant to the Wetlands Protection Act, G.L. ch. 131 s. 40 and an application filed pursuant to Wayland's Wetlands and Water Resources Protection Bylaw, Chapter 194, filed by the Town of Wayland. L. Kiernan seeks to remove existing rails on the MBTA right-of-way between Route 20 west of Route 27 to a point generally at Route 27 and put down a compacted gravel based bed. The project is shown as part of Assessor's Map 99, Parcel 001.

Larry Kiernan, Wayland MCRT Representative and Sarkis Sarkisian, Town Planner, were present for the discussion.

The project was reviewed to include removal of the rails and adding a stone dust cover over a compacted gravel base. Discussion included the trail being above land subject to flooding and the stream was accepted as being intermittent. The project is in the aquifer protection district and bordering vegetated wetlands requiring a designated lay-down area along with sediment controls. Construction fencing will define construction and the limit of work will be constrained. B.Monahan noted that mulch-filled wattles should be used as opposed to straw-filled. L.Kiernan noted that work will generally stay within the boundaries of the ties. There was a discussion of the gravel material and it was confirmed that no regrind will be used. It was reported that an MEPA environmental study is being done for the 27 miles of trail. It was noted that the Historic Commission wants to leave the tracks in place by the depot itself; discussion ensued on options. Disposal of the ties was discussed as they are considered a solid waste. They will be stored in the depot parking lot with removal from there.

Linda Segal, Aqueduct Road, asked if environmental testing was being done. Mr. Kiernan responded that DCR had done a preliminary study and there are no known spill areas in Wayland. Visual check for rail sidings will be conducted by the Cochituate Rail Trail.

Approved: January 9, 2014

Page 3

George Rice, 2 Old Sudbury Road, questioned plans for trash removal in the rail trail area. Littered debris from Orange Leaf has been observed often. Discussion will take place with Orange Leaf.

Bill Petri, 86 Glezen Lane, expressed being in favor of the rail trail project.

The Commission was asked to communicate their support of the project to DCR.

Motion to issue a Negative Determination w/conditions under the Wetlands Protection Act; Seconded 7-0

Motion to issue a Permit w/conditions under the Chapter 194 Bylaw; Seconded 7-0

7. Other - Acknowledgement of Appeal of Transfer Station Access Roadway; DEP File 322-808

A.Irwin noted an appeal was received and response will follow from DEP on scheduling a site visit.

B. Goldsmith asked whether clarification was needed from the Commission about the proposed use of River Road for access to the proposed DPW facility, and the response was that it was not needed since the decision was primarily to create a permanent roadway to the transfer station with wetland mitigation for the existing roadway construction. Connection with access to the DPW was part of the decision but deletion of that construction would not impact other portions of the work nor diminish required mitigation.

B. Monahan noted that NHESP asked about River Road access; A.Irwin said the Town of Sudbury also had asked.

8. 8:30 pm - Public Hearing, Walter Basnight, Applicant, 123 Dudley Road, DEP File No. 322-805:

Amended Notice of Intent filed pursuant to the Wetlands Protection Act, MGL Chap 131, Sec 40 and an application filed pursuant to Wayland's Wetlands and Water Resources Protection Bylaw, Chapter 194, by Walter Basnight. The proposed amended application is a project to construct a replacement septic system, staircase, parking area, and rebuilding a burned house further from Dudley Pond on the property at 123 Dudley Road, Wayland, MA shown on Assessor's Map 47A, Parcel 72.

Scott Goddard of Goddard Consulting and Walter Basnight, Applicant, were present for the discussion. S.Goddard provided stamped plans at the meeting dated 11/7/13. Discussion ensued as to who stamped the plan. A.Irwin noted a Registered Sanitarian cannot stamp design plans for buildings and site work not immediately incidental to septic installation work and they were stamped by a PE.

It was reported that the Board of Health approved the septic Monday. A new end wall will be built; there will be crawl space under the house; overhang will have no foundation underneath; columns will be used where foundation is to be removed; no drainage mitigation was submitted; need engineer details; groundwater is shallow (149); need soil testing for groundwater; grading does not show at rear of house to go around retaining wall; need details of grading around retaining wall before work starts.

B.Goldsmith asked if the proposed plan was doubling the amount of impervious surface and Mr. Basnight confirmed there was a proposed increase. S.Greenbaum commented that moving the house further back did not seem to offset the size of the house. A.Irwin discussed performance standards and the need for no increase in the rate or quantity of runoff as a performance requirement, encouraging anything that can be done to minimize that with measures for infiltration and flow

Approved: January 9, 2014

Page 4

control BMPs. It was noted that the calculations by a P.E. are required when added impervious surface is more than 500 square feet and that no calculations were submitted. The Commission noted requiring drainage calculations detailed with pre- and post-construction data, which will be noted as a condition in the Permit. A grading plan is needed. Retaining walls were discussed – a masonry wall by the house and a retaining wall by the septic system. In general it was noted that the submission was not complete.

B.Goldsmith commented on nutrient load. and S.Greenbaum noted coarse gravel on the hillside. Discussion ensued on having an emergency generator power supply for a plug-in for the septic system.

It was discussed that decks and overhangs are counted as impervious surface. A.Irwin noted that if calculations show the drip line is not sufficient, the Commission would require submission of a design plan acceptable to the Commission and no construction will occur until drainage mitigation is resolved. There was a discussion of infiltration and the ground water elevations. The condition will be noted as required prior to commencing work.

S.Greenbaum expressed that the most complete plans were for the smaller house closer to the pond and they should be what the Commission considers. B.Howell expressed that the Notice of Intent should be withdrawn and a new one filed.

A.Irwin asked about plan details for the infiltration trenches. Discussion ensued concerning back-up pump and back-up source of electricity. W. Basnight said that there will be two pumps in the pump chamber. B.Goldsmith expressed that a portable generator unit is acceptable; however, the system needs to have the ability to connect the pumps to a portable generator as a back-up power supply, i.e. have a plug-in system.

Mike Lowery, Lakeshore Drive, shared favorable reaction to the system being moved and moving ahead with the project. R.Backman expressed that it is a workable design. B.Goldsmith asked about next steps. B. Howell noted that there is a need for drainage details on the site plan.

A summary of things to note included: drainage calculations detail on a plan, proposed grading, better scale, clearer notes on the retaining walls, conditions to note things that need to be submitted, sequencing of work, no construction allowed during appeal period, grading between the house and the pond. The Commission informed the applicant that there can be no work done during the appeal period for the Order of Conditions.

Motion to close the hearing under the Wetlands Protection Act;	Seconded 4-2-1
Motion to close the hearing under the Chapter 194 Bylaw;	Seconded 4-2-1
Motion to issue a Permit under the Chapter 194 Bylaw;	Seconded 4-2-1
Motion to issue an Order of Conditions under the Wetlands Protect Act;	Seconded 4-2-1
Motion to require a performance guarantee of \$2,000;	Seconded 4-1-2

8. Land Management - Discussion of provisions in the Lincoln Road Conservation Restriction

Mark Lanza, Town Counsel, and Jerry Heller and Gretchen Schuler, Representatives of the Community Preservation Committee, were present for the discussion.

B.Howell indicated she had a question on #10, Pond Maintenance. M.Lanza said activities are subject to the regulatory bylaws; the rights as to ownership are not regulatory.

Approved: January 9, 2014

Page 5

S.Greenbaum asked about access noted on page 8 of the Conservation Restriction. Discussion ensued on prohibited access versus limited access. J.Heller – most sensitive issue: they cited past practices, remedial steps, not a closed door. S.Greenbaum noted that access could be prohibited with only an opportunity to ameliorate but not challenge restriction. M.Lanza indicated not open and shut that Grantor determines what is reasonable. If there were disagreement, M.Lanza could get an injunction at town's expense to keep town access. S. Greenbaum questioned changes in language regarding maintenance such that the town has more responsibility.

The Conservation Commission discussed the P&S. R.Backman: location of property with regard to the boundaries; A.Irwin asked about the price and prices paid for past acquisitions of land. J.Heller referenced discussion with the Finance Committee which concluded it would be \$3-4 million. A.Irwin raised the matter of environmental due diligence. M.Lanza noted that general environmental due diligence should be done.

Motion to sign the Purchase and Sale Agreement; Seconded 5-1

Motion to direct and authorize the Town Counsel to make clerical but not substantial changes to the Lincoln Road Conservation Restriction; Seconded 5-1

It was discussed that the EOEA has to approve the CR.

9. Issuance of Order of Conditions [310 CMR 10.05 (6)]/Chapter 194 Permits (Pending closing of hearings)

a. 74 Lakeshore Drive, DEP File No. 322-814

Motion to issue a Permit under the Chapter 194 Bylaw;

Seconded 5-0-1

Motion to issue an Order of Conditions under the Wetlands Protect Act;

Seconded 5-0-1

10. Other

A.Irwin asked about the grit separator in the roadway and if it is being maintained.

11. Request for Certificate of Compliance [310 CMR 10.05 (9)]

a. Field at Mainstone/126 Rice Road; DEP File 322-583

This item is tabled until the next meeting.

b. 11 Hearthstone Circle; File D-659 and D-671: B. Monahan gave a brief summary of project noting there was no performance guarantee, inspections had not been done in a timely manner, and that the last time the matter was considered dumping of lawn clippings was a cause for delay. B. Monahan did a site inspection and did not note any dumping while also acknowledging that the leaf cover did obscure the appearance of the site.

Motion to issue a partial Certificate of Compliance under the Wetlands Protection Act;

Seconded 5-0-1

Motion to issue a partial Certificate of Compliance under the Chapter 194 Bylaw;

Seconded 5-0-1

Approved: January 9, 2014

Page 6

- c. Peer of Off-site Drainage BMPs DEP File No. 322-744
B.Monahan reported that David Faist has been engaged to inspect structural BMPs and to review the as-built plans when they are submitted with a Request for a Certificate of Compliance.

12. Compliance Updates

- a. 122 Lakeshore Drive; DEP File No. 322-803 – Stop work update
Mention of Building Department, project is going before the Board of Appeals and the definition of new construction. R. Goldsmith asked what was decided for 123 Dudley – was it new construction?
- b. 121 Dudley Road; DEP File No. 322-775 – Update on change to scope of work
Project will require new filing.
- c. Other
S.Greenbaum reported no work is being done on wall at 119 Dudley Road.

13. Request for Performance Guarantee or Other 53G Funds

- a. 15 Sylvan Way; DEP File No. 322-778
Motion to return \$1,500 of the performance guarantee for 15 Sylvan Way; Seconded 6-0

14. Other –

Special Town Meeting: Discussion of the November Special Town Meeting and the warrant articles. Noted that the Commission has issued an Order of Conditions and Chapter 194 Permit that has been issued for the DPW facility.

DEP File 322-191

B.Monahan reported on previously-issued partial Certificate of Compliance for DEP File 322-191 for York Road noting that the ongoing condition noted a requirement already satisfied and will be edited and signed at the next meeting.

Motion to recognize Condition #32 has been fulfilled and no longer needs to be listed as a continuing condition; Seconded 6-0

15. Correspondence/Expenditures

16. Adjournment

Motion to adjourn at 11:04pm; Seconded 6-0

The next Conservation Commission Meeting is scheduled for Thursday, **November 21, 2013** in the Wayland Town Building.

**TOWN OF WAYLAND
MASSACHUSETTS
CONSERVATION COMMISSION**

LIST OF PUBLIC DOCUMENTS PROVIDED TO THE CONSERVATION COMMISSION

October 25, 2013 to November 7, 2013

October 25, 2013

322-805 Revised plans for 123 Dudley Road (rec'd 10/24/13 pm) from Sullivan, Connors
322-812 Response to MassDEP for Happy Hollow Chemical Feed/Water Main from Tata & Howard
ZBA Public Hearing Notice 11/12/13 re: 1 Wildwood Road and 18 Dudley Road

October 28, 2013

322-805 Revised plans (newer version) for 123 Dudley Road from Sullivan, Connors
322-796 Inspection Report on 26 Charena Road from Drake Associates
322-825 Inspection Report on 113 Dudley Road from Drake Associates
322-788 Inspection Report on 88 Dudley Road from Drake Associates
322-777 Inspection Report on 8 Lundy Lane from Drake Associates
322-807 Inspection Report on 21 French Avenue from Drake Associates

October 29, 2013

Notice of appointment of Bob Goldsmith to Conservation Commission from Doug Leard
322-583 Request for CoC for Field at Mainstone from Devens Hamlen

October 30, 2013

322-814 Revised plans for 74 Lakeshore Drive from Sullivan, Connors
322-808 Notice of Appeal to MassDEP for DPW Access Roadway OOC from Tom Sciacca et al

November 1, 2013

322-775 Update on roofline/foundation repairs at 121 Dudley Road from S.Miller
322-701/744 Town Center Inspection Reports from Griffin Engineering Group, LLC
RDA for driveway project at 142 Glezen Lane from Lawrence Orloff

November 4, 2013

322-813 Request for hearing continuance from EcoTec, Inc.
322-759 Inspection Report on Carriage House at Lee's Farm from EBI Consulting
RDA for wetland determination of property at 8 Hill Street from S.Sarkisian/S.Goddard
322-805 NOI revisions package for 123 Dudley Road from Basnight/Goddard

November 5, 2013

322-754 Request for CoC for 3 Lawrence Road from The Jillson Company

November 6, 2013

322-770 Inspection Report on 10 Covered Bridge from Samiotes
322-809 Soils Investigation Report for 183 Oxbow Road from P.Fletcher
322-813 Request for hearing continuance for 7 Lincoln Road from EcoTec, Inc.

November 7, 2013

322-804 Inspection of sediment barriers at 9 Reservoir Road from Schofield Brothers

LIST OF EXPENDITURES October 25, 2013 to November 7, 2013

No items to report